

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOAQUIN D. GARCIA,

Petitioner,

v.

DANIEL SATTERBERG,

Respondent.

CASE NO. 2:22-cv-00427-TL-JRC

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

The Court has reviewed the report and recommendation of Magistrate Judge J. Richard Creatura (the “R&R”) (Dkt. No. 10) and the relevant record on Petitioner Joaquin D. Garcia’s motion to proceed *in forma pauperis* (Dkt. No. 1). No objections have been filed to the R&R. Mr. Garcia is an incarcerated individual who appears to have the funds necessary to pay the \$5 filing fee for this case (Dkt. No. 1, at 2, 3), meaning that *in forma pauperis* status is not appropriate at this time. *See, e.g., Carter v. Calif. Corr. Inst.*, No. 21-16631, 2022 WL 71638, at *1 (9th Cir. Jan. 3, 2022) (“Pursuant to 28 U.S.C. § 1915(b)(1) and (2), incarcerated appellants proceeding in forma pauperis must pay the full amount of the filing and docketing fees when funds are available in appellant's account.”).

Accordingly, the Court hereby ORDERS:

- (1) The Court ADOPTS the report and recommendation. Petitioner’s *in forma pauperis* motion (Dkt. No. 1) is DENIED.

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2 (2) If Petitioner does not pay the \$5 filing fee in this matter within **thirty (30) days** of
3 this Order, this matter will be dismissed without prejudice for failure to pay the
4 filing fee. No certificate of appealability will issue.

5 (3) The Clerk is DIRECTED to send a copy of this Order to Petitioner and Judge
6 Creatura.

7 Dated this 27th day of June 2022.

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Tana Lin
United States District Judge